



#16  
2/24/03

KEG 2-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
George Washington Baughman III , *et al.* )  
Serial No. 09/955,417 ) Examiner Phi Dieu Tran A.  
Filed: September 18, 2001 ) Group Art Unit: 3637  
For: "Method and System for Presenting )  
Merchandising at an Outdoor Paved )  
Surface"

COMMISSIONER OF PATENTS AND TRADEMARK  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

DECLARATION UNDER 37CFR § 1.132

George Washington Baughman, III declares as follows:

- 1) That he is a citizen of the State of Ohio, having a residence at 833 Lake Shore Drive, Worthington, Ohio 43235;
- 2) That he is an inventor named in the above-identified application for United States Patent;
- 3) That his curriculum vitae is annexed hereto as Exhibit A;
- 4) That he has been advised that claims 1-17 as well as claims 18-26 have been rejected under Section 103 of the Patent Statute as being unpatentable over Pool, U. S. Patent No. 2,638,636 (Pool) in view of Feleppa, U. S. Patent No. 5,700,102 (Feleppa) and Thornton, U. S. Patent No. 3,673,720 (Thornton) and Reilley *et al.*, U. S. Patent No. 5,120,941 (Reilley *et al.*);
- 5) That the above application describes method for presenting merchandise outdoors upon a paved surface such as the parking lot of a retail facility which is typically considered to be an undesirable merchandising region with automobile derived dangers, effluvia and the like;
- 6) That Pool shows and describes a drive-through grocery with walls of grocery showcases disposed along a roadway extending to and through a sequence of order-cashier booths;
- 7) That Pool also discloses a parking lot 56 which is not employed in merchandising;
- 8) That Pool teaches a retailing approach which is sought to be avoided with the present invention;

- 9) That he has been advised that the Examiner has equated the order-cashier booths of Pool with the cash/wrap region claim component of the above application;
- 10) That the terms "cash/wrap" have a well established meaning in the retail merchandising trade and refer to a money collection and goods sacking or wrapping location which is not shown in Pool;
- 11) That there is no signage described in Pool;
- 12) That "niches" are described in Pool as showcases to display food products three dimensionally;
- 13) That it is well known that grocery store shelving holds food products generally without retail promoting signage;
- 14) That he has been advised that the Examiner has asserted that Feleppa at Fig. 83 shows a market place having a plurality of poles forming a retail area;
- 15) That Feleppa at Fig. 88 shows a frame supported shelter which appears as a tent with a roof having a sign above the roof indicating "produce";
- 16) That the signage of Feleppa cannot be seen from inside the tent and that the use of tents for outdoor retail merchandising has been considered undesirable and the signage utilized in conjunction with tent-based outdoor marketing generally is small and without resemblance to the signage utilized and claimed in the above-identified application;
- 17) That there is no indication in Feleppa as to what activities are undertaken within the tent shown at Fig. 88;
- 18) That Feleppa is not concerned with retail merchandising and has been improperly combined with Pool and, when considered with Pool, cannot suggest the instant invention as claimed;
- 19) That the shopper line of sight region described in claim 1 of the instant application is carefully defined with respect to the top of poles and overhead signage sight height, whereas Pool indicates a horizontal line of sight presumably through a car window;
- 20) That he has been advised that the Examiner has asserted that Reilley, et al., shows a retail area having bays with merchandise and signage (50) hanging from the signage support supporting merchandise information;
- 21) That Reilley, et al., describes "price channels" upon which small thin, tear-off sheets are mounted carrying UPC codes;
- 22) That Reilley, et al., has no signage hanging from a signage support and merely describes a shelf assembly for holding merchandise;

- 23) That Reilley, et al., is improperly combined with Pool and when considered with Pool, cannot suggest the instant invention as claimed;
- 24) That he has been advised that the Examiner has asserted that Thornton shows a plurality of poles extending into sleeves;
- 25) That Thornton shows two poles supporting a sign which is movable up and down;
- 26) That he has been advised that the Examiner has asserted that the poles of Thornton define a retail floor;
- 27) That the poles shown in Thornton show no retail floor and are not physically associated with any merchandise whatsoever;
- 28) That the Examiner has improperly combined Thornton with Pool and the remaining references;
- 29) That all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like, so made, are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18, and that such willful false statements may jeopardize the validity of the application or any document resulting therefrom.
- Further Declarant sayeth naught.

Date 7/9/03

  
George Washington Baughman, III

**ADVANCED RESEARCH ASSOCIATES**

**833 LAKE SHORE DRIVE**

**COLUMBUS, OHIO 43235**

**PHONE/FAX 614-888-6887**

**G org W. Baughman**  
**Business and Financial Advisor**

**January 1, 2003**

**EDUCATION**

**Th Ohio State University**

B.Sc. Psychology, 1959 - Dr. Lauren Wispe, Advisor

MBA Finance, 1961, - Leo D. Stone, LLB, CPA, Advisor

ABD Completed all but the dissertation requirements for a Ph.D.  
degree in 1963 including passing general examinations in:

Corporate Finance -	Dr. John Pfahl, Major Advisor
Gestalt Psychology -	Dr. Samuel Renshaw, Advisor
Statistics -	Dr. Edwin Smart, Advisor
Economics -	Dr. Clifford James, Advisor

**INDEPENDENT BUSINESS AND FINANCIAL ADVISOR (Since 1960)**

Business and financial advisor on Budgeting, Costing, Finance, Inflation Impact, Information Systems and Strategic Planning for businesses and not-for profit organizations including:

- |                                       |  |
|---------------------------------------|--|
| - American Council on Education       | - Mitsubishi Electric (Tokyo)                                      |
| - Assoc. of American Universities     | - NCHEMS (Higher Education Management Center)                      |
| - Battelle (Homeland Security)        | - NACUBO (College & Univ. Business Officers)                       |
| - Berkeley (UCAL)                     | - National Science Foundation                                      |
| - Clear Creek Foods (Poultry)         | - OCLC   |
| - Duramed (Pharmaceuticals)           | - Ohio Board of Regents  |
| - Farm Management, Inc.               | - Ohio Civil Rights Commission                                     |
| - Governors Export Council (Ohio)     | - Osaka International University (Osaka)                           |
| - Harvard University (Computing)      | - Title First, Inc. (Title Insurance Information Systems)          |
| - IBM (Marketing)                     | - Volkswagen Foundation (W. Ger.)                                  |
| - Mark Pi International (Retail Food) | - Westinghouse Electric (Learning Corp. & Electronic Systems Grp.) |

Forensic Financial Expert - providing expert opinions and testimony regarding the value of various closely held corporations and professional practices, or other economic matters in over 165 cases since 1981.

Business Formation - Instrumental in founding or restructuring over 30 businesses.

**PLANNING AND POLICY ANALYSIS AT THE OHIO STATE UNIVERSITY**

Special Advisor, Ohio Supercomputer Center, 1988 to 2001

Financial Planning, Policy Analysis and Implementation services for four Chancellors of the Ohio Board of Regents and three Presidents, eleven Vice Presidents, and numerous Deans, Chairpersons, Directors and committees from 1963 to 1988 while holding such titles as:

- Research Associate, Office of Controller, 1963-64.
- Founding Director, Administrative Research, Office of President, 1964-72.
- Associate to the Academic Vice President and Provost. 1968-70.
- Executive Director, University Budgets, 1970-72.
- Acting Director, Planning Studies, 1978.
- Founding Director of Special Projects, Office of President, Office of Finance, 1972-88  
(Took an early retirement at age 51, December 1988).

## **MANAGEMENT EXPERIENCE**

Director of Administrative Research - Co-founded and managed the first internal operations research group at a major university. Designed and implemented university wide forecasting, modeling, systems analysis and information systems for The Ohio State University, 1964-72.

Executive Director of University Budgets - full responsibility for developing, executing, and controlling budgets for the Ohio State University, 1970-72

Executive Director of University Systems - responsible for organizing, developing and directing this administrative computer center with over 150 employees at the Ohio State University, 1966-68, 1970-72

Chairman of Board and CFO - Uniplan Environmental Groups, a private real estate development company with over \$17,000,000 in residential projects 1971-74

Chief Financial Officer - Forerunner Corporation, 1985 to May, 1991; Cira Technologies, Inc./Cira LLC 2001 to date

Treasurer:

- Technology Information Exchange and Information Network, 1983-87
- Trauma Information Systems Inc., 1986 to 93
- Eagle Exhibit Services, Inc., 1993 to date

## **BOARD POSITIONS AND OFFICES HELD**

### **Business Organizations**

Outdoor Marketing Solutions, LLC, Chairman 2002 to date

Cira Technologies, Inc. 1999,2000; Cira LLC (CFO, Director) 2001 to date

Parkfield Insulation Services, Inc., (Secretary), 1998 to date

Take A Break, Inc. , 1997 to date

Greek Island, Ltd., 1996 to date

Implementation Associates, Inc., 1995 to date

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Duramed Pharmaceuticals, Inc. 1989 to 2001 (Chmn.: Compensation Committee 1991-94, Audit 1994 to 1999)

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Alarm Center International, Inc. ( Pierman JV with Mitsubishi Electric, Tokyo) 1983-86

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### **Not for Profit Organizations**

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Sleep Medicine Research Foundation, Inc., 1992 to date (Chairman)

Otterbein Theater Guild, 1988 to 1995

Columbus Ensemble Theater, 1985-87

Inventors Council of Ohio, 1984-87

Ohio State Dental Board, 1980-85

Special Audiences, Inc. (Chmn.) 1974-82

College and University Machine Records Conference, 1972-74 (Chmn. 1972)

## **AWARDS AND LISTINGS**

Phi Alpha Kappa- Finance Honorary, 1961  
Riesman Fellowship in Real Estate Finance, 1962  
Who's Who in Finance and Industry, 1977 to date  
Who's Who in the Midwest, 1980 to date  
Who's Who in the World, 1980 to date  
Who's Who in American Education, 1993 to date  
Who's Who in America, 1994 to date

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Research Assistant, Bureau of Business Research, 1960-63.

Principal Investigator - NSF supported Price Index Research 1977-84

## **PUBLICATIONS**

Author or co-author of over 20 articles, monographs and book chapters..

## **MEMBERSHIPS**

American Association for the Advancement of Science  
Buskers Columbus  
Institute of Business Appraisers  
The Ohio State University Presidents Club  
The Ohio State University Alumni Assoc. (LM)  
The Ohio State University Faculty Club  
Press Club of Ohio  
World Future Society

**EXHIBIT**

**A**

Baughman

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**P.O. BOX 1450**  
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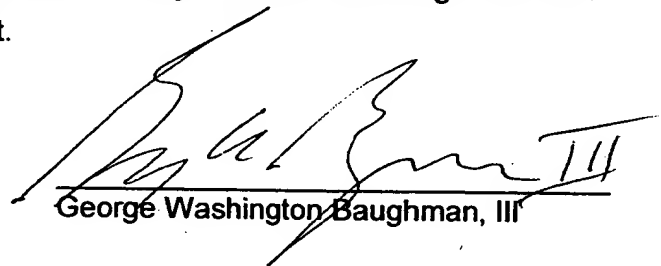
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Research Assistant, Bureau of Business Research, 1960-63.

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### **PUBLICATIONS**

Author or co-author of over 20 articles, monographs and book chapters..

### **MEMBERSHIPS**

American Association for the Advancement of Science  
Buskers Columbus  
Institute of Business Appraisers  
The Ohio State University Presidents Club  
The Ohio State University Alumni Assoc. (LM)  
The Ohio State University Faculty Club  
Press Club of Ohio  
World Future Society